

WEDNESDAY, MAY 6, 1981
FORTY-FIFTH LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative W. R. Richardson of Maury County.

Representative Richardson led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

The Speaker announced that Representative Stafford was excused because of illness.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1297—To create special school district, Carroll County; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1323—To create Juvenile and Probate Court, Henry County; substituted for Senate

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1297; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bill No. 1297.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1297; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1297; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

CALENDAR

Mr. Henry (Roane) moved that House Bill No. 687 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1113—To enact the County Correctional Incentives Act.

Mr. Davis (Hamilton) moved that House Bill No. 1113 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1113 by deleting the bill in its entirety and substituting therefore the following:

SECTION 1. This act shall be cited as the "County Correctional Incentives Act of 1981."

SECTION 2. This act provides financial incentives to counties to house additional nondangerous felony offenders locally. The purpose of the act is to mutually benefit state and county governments by (1) helping alleviate overcrowding in state correctional facilities and reducing high operation costs and (2) assisting counties in upgrading local correctional facilities and programs.

SECTION 3. For purposes of this act, the following terms shall be defined as set forth below unless the context otherwise requires:

(1) "Commissioner" means the commissioner of the Tennessee department of correction, or his designee.

(2) "Felony population base" means the number of convicts held by a participating county pursuant to Tennessee Code Annotated, Section 40-3105, on a given date.

(3) "Prisoner/days" means a calculation determined by multiplying the number of days during a designated period when a county held inmates pursuant to Tennessee Code Annotated, Section 40-3105, by the number of such convicts held by the county.

(4) "Participating county" means any county selected for participation in the program by the commissioner.

(5) "Applicant county" means any county which applies to participate in the program.

(6) "Approved applicant county" means any county selected as a "participating county" and any other "applicant county" certified by the commissioner as having submitted an acceptable proposal for participation in the program at a future date.

(7) "County correctional incentive program" or "program" means the method of providing financial assistance and incentive to counties for the purposes provided in this act, through increased subsidies, grants, or loans.

(8) "Subsidy" means that amount of money paid by the state to a county in accordance with Section 6 of this act.

(9) "Grant" means those funds provided under the provisions of this act, by the state to the county, for which the state does not require payment by the county.

(10) "Loan" means those funds provided under the provisions of this act, by the state to the county, for which the state does require repayment by the county.

(11) "Plan" means the method by which the county intends to utilize the assistance available under this act.

SECTION 4.

(a) Participation by any county in the program is absolutely voluntary.

(b) No county may participate in the program until it has submitted a plan and is selected for participation in the program by the commissioner.

(c) The commissioner shall select those counties which shall be approved for participation in this program. Except as otherwise provided in this act, the exercise of such discretion shall not be reviewable in any other forum so long as the counties are selected

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

in accordance with the procedures established by this act and the rules adopted pursuant to it.

(d) The commissioner shall consider, but shall not be limited to, the following factors in selecting counties to participate in this program:

- (1) representative nature of the county, including geographic location, county population, crime population;
- (2) condition of existing county facilities;
- (3) current capacity of county facilities to house additional felony offenders;
- (4) potential for increasing county's capacity for housing additional felony offenders;
- (5) adequacy of present programs and nature of proposed improvements in relation to certification requirements as defined by the Tennessee Corrections Institute Board of Control;
- (6) whether and extent to which inmates are worked or planned to be worked in county work programs;
- (7) whether and extent to which inmates are permitted to participate in work release programs;
- (8) nature and amount of state assistance needed to finance and operate county facilities;
- (9) availability of state funds.

SECTION 5.

(a) Any county is authorized to submit a plan to the commissioner wherein it seeks to participate in the program.

(b) The plan shall be submitted in the manner established pursuant to the rules promulgated by the commissioner pursuant to this act. The commissioner shall notify the house and senate state and local government committees upon receipt of each application.

(c) The plan shall be approved by the county commission and the county sheriff before it will be considered by the commissioner.

(d) The state planning office and the jail inspection division of the Tennessee Corrections Institute shall provide any assistance requested by the commissioner in the review and evaluation of any plan submitted by the counties and of the county's implementation of a plan which is approved.

SECTION 6.

(a) Those counties selected by the commissioner to participate in this program shall be compensated in accordance with the following formula:

1. The commissioner shall determine "felony population base" of each participating county as of January 15, 1981.
2. The commissioner shall pay to the county the sum of eight dollars (\$8.00)

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

where the facility is certified or provisionally certified, or six dollars (\$6.00) where the facility is not certified, for those "prisoner/days" in excess of the facility's "felony population base." This subsidy shall be in addition to any monies received by the county pursuant to Tennessee Code Annotated, Sections 8-26-106, 40-3105, and 41-2150.

SECTION 7.

(a) Participating counties shall not diminish their current level of spending for correctional expenses to the extent of any subsidy received pursuant to this act. The subsidy herein provided is for expenditures for correctional purposes in excess of those funds currently being expended.

(b) The subsidy received by the counties pursuant to this act shall be placed in a fund dedicated exclusively for use in the county's correctional programs. The entire subsidy received shall be appropriated for the benefit of the correctional program.

(c) Twenty-five percent (25%) of the subsidy received may be used for current operating expenses. The remainder of the subsidy received shall be used for correctional program or facility improvement.

SECTION 8. The commissioner is authorized and directed to promulgate rules in accordance with the uniform administrative procedures act, pursuant to Tennessee Code Annotated, Title 4, Chapter 5, for purposes, including but not limited to, the following:

- a. general administration of the county incentive program;
- b. requirements for county plans;
- c. evaluation of plans submitted by counties;
- d. termination of county participation.

SECTION 9. The state funding board is authorized to make grants, or loans, as funds are available, to any approved applicant county to assist such county in the construction or renovation of a correctional facility.

Provided, however, no county shall award any construction contract in reliance on such grant or loan until such time as the state funding board and the county have executed a contract pursuant to Section 10 or Section 11, and until the state building commission has acted pursuant to Tennessee Code Annotated, Section 4-15-102, when an application for a grant has been approved.

SECTION 10. For the purpose of providing moneys to assist approved applicant counties in financing capital improvements of correctional facilities, the state funding board, in addition to the powers otherwise granted by law, shall have the power and is hereby authorized to issue from time to time direct general obligation interest-bearing bonds and bond anticipation notes in such principal amounts as may from time to time be authorized by law.

Loans or grants authorized in accordance with Section 9 shall be made from the proceeds of such bonds or notes to an approved applicant county in the county correctional incentive program. The board shall require the county to submit a financing agreement which includes provisions for the payment of the cost of constructing, acquiring, reconstructing, improving, equipping, or furnishing any county correctional facility, including the payment of engineering, fiscal, architectural and legal expenses incurred in connection with such facility and the issuance of the bonds or notes, and shall require the county to

execute a contract specifying, among other things, the repayment terms and the project to be funded.

SECTION 11. If the project is to be funded in whole or in part by a grant, the contract may include such provisions as may be agreed upon by the parties thereto, and shall include in substance, the following provisions:

(1) An agreement by the state to pay the county an amount not to exceed one-fifth (1/5) of the actual cost of the project. Part of the grant may be paid to the county as a first advance prior to the construction, and during the progress of the construction at a rate in proportion to the rate of such construction. The grant may be paid following completion of the construction, as may be agreed upon by the parties;

(2) An agreement by the county to proceed expeditiously with, and complete the project in accordance with approved plans.

(3) An agreement by the county to reserve, keep, and maintain a percentage of the available cell space in such jail for state prisoners in accordance with rules promulgated by the commissioner pursuant to Section 8; provided that such rules shall require the percentage reserved to be not less than twenty percent (20%) if the commissioner determines that the approved plans include a substantial increase in jail capacity; provided, further, that the county, in its plan, may agree to a larger percentage; provided, further, that such state prisoners shall be those serving a term of not less than one (1) year nor more than five (5) years or those who are within five (5) years of their earliest parole eligibility date; provided, further, that no additional money shall be allocated for jailer's fees for such prisoners other than that established in accordance with Tennessee Code Annotated, Sections 8-26-105, 8-26-106, 40-3105, 41-1250 or Section 6 of this act, unless an additional sum is provided by contract between the department of correction and a county.

SECTION 12. The county shall pledge its full faith and credit for the repayment of any such loan. In the event any county having entered into a loan contract pursuant to this act shall fail to remit funds in accordance with any amortization schedule established for such loan, the commissioner of finance and administration shall deliver by certified mail a written notice of such failure to such county. In the event such county shall fail to remit the amount set forth in such notice within sixty (60) days of the receipt of such notice, the commissioner of finance and administration may, without further authorization, withhold such sum or part of such sum from any state-shared taxes which are otherwise apportioned to such county.

SECTION 13. There is hereby authorized to be established in the general fund of the state treasury a special account for depositing available funds under this act and for disbursing such funds to the counties who qualify for grants or loans under the provisions of this act; provided, however, the commissioner of finance and administration with the approval of the state comptroller, may establish such account in such other manner as may be deemed appropriate.

SECTION 14. Nothing in this act shall be construed to limit the right of any county to accept any gift, grant, or loan of funds or financial or other aid of any form which might otherwise be available to such county from the state or federal government or any agency thereof or from any other sources or from complying with the terms and conditions thereof not inconsistent with this act.

SECTION 15. The commissioner is authorized and empowered to seek and receive funds from the federal government which will augment the funds appropriated by the state to implement the provisions of this act.

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

SECTION 16. The issuance and payment of bonds and bond anticipation notes and the administration of funds for the purpose of this act shall be in accordance with Title 9, Chapter 9, Tennessee Code Annotated. It is the legislative intent that all bonds and bond anticipation notes issued pursuant to this chapter are also to be considered as issued under the provisions of Title 9, Chapter 9, Tennessee Code Annotated.

SECTION 17. If a court of competent jurisdiction shall adjudge any clause, sentence, paragraph, section or part of this act to be invalid or unconstitutional, on its face or as applied, such judgement or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional; and to that end the provisions of this act are declared to be severable.

SECTION 18. For the purpose of the issuance of bonds authorized under this act, it shall take effect on July 1, 1981; for all other purposes, it shall take effect on becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1113 by deleting the word and numbers "January 15, 1981" from Section 6 (a) (1) and substituting instead "September 1, 1981."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1113, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

Mr. Wix moved that House Bill No. 1282 be placed on the Calendar for Tuesday, May 12, 1981, which motion prevailed.

Mr. Burnett moved that House Bill No. 446 be placed on the Calendar for Thursday, May 7, 1981, which motion prevailed.

Mr. Davis (Hamilton) moved that House Bill No. 839 be placed on the Calendar for Monday, May 11, 1981, which motion prevailed.

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

Mr. Murphy (Davidson) moved that Senate Bill No. 769 be placed on the Calendar for Tuesday, May 12, 1981, which motion prevailed.

House Bill No. 656—To increase tourist accommodation tax, certain counties.

Mr. McKinney moved that House Bill No. 656 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 656 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-4-102, is amended by designating the existing language as subsection (a) and by changing the period at the end of the first sentence to a comma and adding the following language:

except as provided in subsection (b).

SECTION 2. Tennessee Code Annotated, Section 7-4-102, is further amended by adding the following as a new subsection to be designated as subsection (b):

(b) There is hereby authorized an additional one percent (1%) increase to the privilege tax authorized pursuant to subsection (a) of this section, to be used exclusively for the purpose of constructing a convention center. Such tax so imposed is a privilege tax upon the transient occupying the room of any hotel and shall be approved by ordinance of the metropolitan county council. Such ordinance shall include provisions to reflect the intent and effect of this act.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 656 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The increase in the privilege tax authorized by the provisions of this act shall be null and void on December 31, 1981, unless such increase is levied prior to such date.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 656 by adding the following as a new section to be appropriately numbered immediately preceding the effective date section, renumbering the effective date section accordingly:

SECTION—. Tennessee Code Annotated, Section 7-4-110 is amended by designating the existing language as subsection (a) and by adding the following as a new subsection to be designated as subsection (b):

(b) That one third (1/3) of the proceeds which are presently earmarked to build

a convention center may be allocated and expended to construct or operate any other major tourist attraction in the metropolitan area, including but not limited to a zoological park, a river-front park, or any other similar major tourist attraction.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 656 by adding the following language at the end of the amendatory language of Section 2:

Such tax shall not be collected under the provisions of this subsection until any bonds which may be issued for the purpose of constructing a convention center have been sold.

On motion, the amendment was adopted.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 656 failed to receive a constitutional majority by the following vote:

Ayes	29
Noes	34
Present and not voting	30

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bragg, Brewer, Burnett, Davidson, Davis (Pickett), DeBerry, DePriest, Gill, Hillis, Jared, Kernell, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Pickering, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Wheeler, Withers and Work—29.

Representatives voting no were: Baker, Bivens, Buck, Chiles, Clark (Davidson), Clark (Gibson), Clark (Sumner), Covington, Crain, Davis (Gibson), Dills, Disspayne, Duer, Duncan, Ellis, Gaia, Harrill, Henry (Roane), Hurley, Jones, Kent, King (Washington), Love, Lowe, McAfee, Naifeh, Phillips, Robertson, Robinson (Davidson), Severance, Smith, Stallings, Starnes, Tanner and Ussery—34.

Representatives present and not voting were: Akard, Bewley, Byrd, Carter, Cobb, Ford, Frensley, Henry (Blount), Hudson, Huskey, Johnson, Kelley, King (Shelby), Lashlee, Moore, Percy, Richardson, Shirley, Shockley, Small, Spence, Sterling, Turner, Wallace, Webb, Whitson, Wix, Wolfe, Wood and Yelton—30.

Under the rules, House Bill No. 656 was re-referred to the Committee on Calendar and Rules.

House Bill No. 1073—To establish the Industrial Development Loan Program.

Mr. Kelley moved that House Bill No. 1073 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1073 by deleting from the first sentence of Section 7 the word "shall" and substituting instead the word "may."

On motion, the amendment was adopted.

Mr. Kelley moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1073 by adding at the end of Section 7 a new sentence to read as follows:

In the event any borrower having entered into a loan contract pursuant to this act shall default in repayment under such contract, the commissioner of finance and administration is hereby authorized to withhold the amount of such deficiency from any state shared taxes which are otherwise apportioned to such borrower.

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1073 by deleting Sections 6, 7 and 8 in their entirety and substituting instead the following:

Section 6. The Tennessee local development authority, in consultation with the commissioner of the department of economic and community development, is authorized to promulgate such rules as it deems necessary for the orderly and efficient administration of the provisions of this act.

Section 7. Counties or municipalities meeting the requirements of Section 3 of this act are authorized to make application to the commissioner of the department of economic and community development for a loan pursuant to the provisions of this act. The commissioner shall review the application. If, after making such review, the commissioner determines that the applicant is eligible under the provisions of this act, and the rules promulgated by the local development authority pursuant thereto, the commissioner is authorized to present such application to the authority with a request to approve a loan pursuant to the provisions of this act, and the rules of the authority promulgated pursuant thereto.

Section 8. The Tennessee local development authority is authorized to approve such loan and allocate such funds as may be necessary to meet the requirements stipulated in such loan from monies appropriated and legally available for such purpose.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1073, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe,

McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 1086—To amend Section 55-6-104, Code.

Mr. Robinson (Washington) moved that House Bill No. 1086 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1086 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

one dollar and fifty cents (\$1.50)

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1086 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-6-104(1) is amended by substituting for the words and figures "seventy-five cents (75¢)" the words and figures "one dollar (\$1.00)".

Mr. Bragg moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	63
Noes	25
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Montgomery, Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Tanner, Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Work and Yelton—63.

Representatives voting no were: Byrd, Carter, Cobb, DeBerry, Gaia, Gill, Hurley, Jones, Kent, Kernell, McAfee, Martin, Moore, Murphy (Davidson), Murphy (Shelby), Owen, Pruitt, Robinson (Davidson), Shirley, Spence, Sterling, Turner, Wheeler, Withers and Wood—25.

Representative present and not voting was: Miller—1.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1086 by adding at the end of the amendatory language in section 1, the following:

; provided, further, that in counties of six hundred thousand (600,000) or more people according to the 1970 federal census, or any subsequent federal census, the fee shall be seventy-five cents (75¢), none of which shall be applied to retirement contributions for the clerk

Mr. Robinson (Washington) moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	62
Noes	25

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Crain, Davis (Gibson), Davis (Hamilton), Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Lowe, McKinney, McNally, Miller, Montgomery, Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work and Yelton—62.

Representatives voting no were: Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, DeBerry, Gaia, Gill, Hurley, Jones, Kent, Kernell, Martin, Moore, Murphy (Shelby), Owen, Shirley, Small, Spence, Sterling, Turner, Withers and Wood—25.

Thereupon, House Bill No. 1086, as amended, passed its third and final consideration by the following vote:

Ayes	62
Noes	31

Representatives voting aye were: Akard, Baker, Bell (Knox), Bivens, Bragg, Buck, Burnett, Carter, Clark (Sumner), Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Duer, Duncan, Ellis, Ford, Frensley, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Love, McKinney, McNally, Martin, Miller, Montgomery, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Sterling, Tanner, Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—62.

Representatives voing no were: Bell (Wilson), Bewley, Brewer, Byrd, Clark (Davidson), Cobb, Copeland, Covington, Davidson, DeBerry, Dills, Disspayne, Gaia, Gill, Henry (Roane), Jones, Kent, Kernell, Lowe, McAfee, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Shirley, Small, Spence, Turner, Wheeler, Withers and Wood—31.

A motion to reconsider was tabled.

House Bill No. 572—To amend Chapter 62, Public Acts, 1969.

On motion, House Bill No. 572 was made to conform with Senate Bill No. 623.

On motion, Senate Bill No. 623, on same subject, was substituted for House Bill No. 572.

Mr. Scruggs moved that Senate Bill No. 623 be passed on third and final consideration.

Mr. Yelton moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 623 by adding immediately after Section 1 the following new section and renumbering succeeding sections accordingly:

Section—. Chapter 62 of the Public Acts of 1969, as amended is further amended by adding the following item to Section 1 to be designated as item (b):

In all counties having a population of not less than one hundred fourteen thousand one hundred (114,100) nor more than one hundred fourteen thousand two hundred (114,200), according to the 1960 federal census of population or any subsequent federal census.

Mrs. Montgomery moved that the Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	26
Noes	61
Present and not voting	3

Representatives voting aye were: Baker, Bewley, Brewer, Chiles, Clark (Sumner), DeBerry, Duer, Duncan, Ford, Frensley, Henry (Roane), Hudson, Huskey, Kelley, King (Washington), Lowe, McKinney, McNally, Montgomery, Robertson, Robinson (Washington), Small, Ussery, Webb, Whitson and Wolfe—26.

Representatives voting no were: Akard, Bell (Knox), Bell (Wilson), Bivens, Buck, Burnett, Byrd, Carter, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Disspayne, Ellis, Gaia, Henry (Blount), Hillis, Hurley, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), Lashlee, Love, McAfee, Miller, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Scruggs, Severance, Shirley, Smith, Spence, Stallings, Sterling, Tanner, Turner, Wallace, Wheeler, Withers, Wix, Wood, Work and Yelton—61.

Representatives present and not voting were: Gill, Robinson (Hamilton) and Shockley—3.

Thereupon, on motion, Amendment No. 1 was adopted.

Thereupon, Senate Bill No. 623, as amended, passed its third and final consideration by the following vote:

Ayes	74
Noes	22

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shock-

ley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—74.

Representatives voting no were: Bragg, Brewer, Chiles, Clark (Davidson), Clark (Sumner), Covington, DeBerry, Gaia, Gill, Harrill, Henry (Roane), Jones, Kent, Kernell, King (Washington), Montgomery, Murphy (Davidson), Murphy (Shelby), Spence, Turner, Ussery and Withers—22.

A motion to reconsider was tabled.

House Bill No. 1087—To adjust certain fees, Department of Insurance.

On motion, House Bill No. 1087 was made to conform with Senate Bill No. 1146.

On motion, Senate Bill No. 1146, on same subject, was substituted for House Bill No. 1087.

Mr. Robinson (Washington) moved that Senate Bill No. 1146 be passed on third and final consideration.

Mr. Spence moved that Senate Bill No. 1146 be re-referred to the Committee on Finance, Ways and Means.

Mr. Rhinehart moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	65
Noes	17

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davis (Hamilton), Davis (Pickett), Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Love, McKinney, McNally, Martin, Montgomery, Moore, Murray, Percy, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Sterling, Tanner, Ussery, Webb, Whitson, Wix, Wolfe, Wood, Work and Yelton—65.

Representatives voting no were: Cobb, Davidson, Davis (Gibson), DeBerry, Jones, Kernell, Lashlee, Lowe, Miller, Naifeh, Owen, Pruitt, Shirley, Spence, Turner, Wallace and Wheeler—17.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1146 by deleting from the amendatory language of Section 1 the words and figures “eighty percent (80%)” and substituting instead “ninety percent (90%)”.

AND FURTHER AMEND by deleting from the amendatory language of Section 1 the words and figures “twenty percent (20%)” and substituting instead the words and figures “ten percent (10%)”.

Mr. McKinney moved that Amendment No. 1 be tabled, which motion prevailed.

Mr. Covington moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1146 by deleting from the amendatory language of Section 3 as amended, the following:

Every application for examination must be accompanied by a recent photograph of the applicant and a certificate of good health, stating the applicant is free from all contagious or communicable diseases, issued by a regularly licensed physician, on a form prescribed and supplied by the board.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1146, as amended, passed its third and final consideration by the following vote:

Ayes	69
Noes	27

Representatives voting aye were: Akard, Bell (Knox), Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McKinney, McNally, Martin, Montgomery, Moore, Murphy (Shelby), Murray, Percy, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Ussery, Webb, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—69.

Representatives voting no were: Baker, Bell (Wilson), Bewley, Brewer, Cobb, Copeland, Davidson, Davis (Gibson), DeBerry, Dills, Gaia, Harrill, Jones, Lashlee, Lowe, McAfee, Miller, Murphy (Davidson), Naifeh, Owen, Phillips, Shirley, Small, Spence, Turner, Wallace and Wheeler—27.

A motion to reconsider was tabled.

Mr. Davis (Pickett) moved that House Bill No. 1031 be placed on the Calendar for January, 1982, which motion prevailed.

House Bill No. 510—to grant certain authority, T.B.I.

Mr. Lashlee moved that House Bill No. 510 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 510 by deleting the fourth sentence of the first paragraph of the amendatory language of Section 1 which reads: "The court shall not have the authority to suspend the fees provided in this section".

FURTHER AMEND by deleting from the fifth sentence of the first paragraph of the amendatory language of Section 1 the words "for bureau purposes".

FURTHER AMEND by deleting the third paragraph of the amendatory language of Section 1 and substituting instead the following:

All revenue resulting from fines, forfeitures and services rendered by the bureau shall be paid to the state treasurer and used only as appropriated by the general assembly.

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

FURTHER AMEND by deleting from the amendatory language of the sixth paragraph of Section 2 the words “for bureau purposes”.

FURTHER AMEND by deleting from the amendatory language of the first paragraph of Section 3 the words “for bureau purposes”.

FURTHER AMEND by deleting from the amendatory language of the second paragraph of Section 3 the words “for bureau purposes”.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 510 by deleting the figures “\$20.00”, “10.00”, and “65.00” and substituting respectively the figures “\$10.00”, “\$5.00” and “\$2.50” in the amendatory language of Section 1.

Mr. Lashlee moved that Amendment No. 2 be tabled, which motion prevailed.

Thereupon, House Bill No. 510, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	6
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—87.

Representatives voting no were:—Brewer, Crain, Jones, McKinney, Murphy (Davidson), and Spence—6.

Representatives present and not voting were: Miller and Owen—2.

A motion to reconsider was tabled.

House Bill No. 1173—To amend Section 40-4110, Code.

On motion, House Bill No. 1173 was made to conform with Senate Bill No. 409.

On motion, Senate Bill No. 409, on same subject, was substituted for House Bill No. 1173.

Mr. Kent moved that Senate Bill No. 409 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 409 by changing the period at the end of the first sentence of the amendatory language of Section 1 to a semi-colon and adding the following language:

provided, further, however, if the law enforcement agency retains a forfeited conveyance any liens which are filed against such forfeited conveyance shall be satisfied by the law enforcement agency which retains such conveyance.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 409 by deleting the words and punctuation "shall go the law enforcement agency which seized the conveyance." from the first sentence of the amendatory language of Section 1, and substituting instead the following language:

shall go to the county or municipality of such law enforcement agency which seized the conveyance to be deposited in the general fund of such county or municipality.

AND FURTHER AMEND by deleting from the amendatory language of the second sentence of Section 1 all the language following the words "state treasury".

Mr. Kent moved that the Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	70
Noes	18

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood and Yelton—70.

Representatives voting no were: Bragg, Brewer, Burnett, Cobb, Davidson, Davis (Gibson), DeBerry, Harrill, Jones, Kernell, Lowe, Martin, Murphy (Shelby), Pruitt, Spence, Turner, Withers and Work—18.

Thereupon, Senate Bill No. 409, as amended, passed its third and final consideration by the following vote:

Ayes	84
Noes	9
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore,

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter—84.

Representatives voting no were: Brewer, DeBerry, Harrill, Kernell, Murphy (Shelby), Rhinehart, Spence, Withers and Work—9.

Representative present and not voting was: DePriest—1.

A motion to reconsider was tabled.

House Bill No. 725—To establish resident hunting and fishing licenses and fees.

Mr. Hillis moved that House Bill No. 725 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes	36

Representatives voting aye were: Akard, Baker, Bell (Knox), Bivens, Brewer, Buck, Byrd, Carter, Chiles, Cobb, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Hillis, Hurley, Huskey, Jared, Kelley, King (Washington), Love, McAfee, McKinney, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Percy, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Webb, Wheeler, Withers, Wolfe, Wood, Work and Yelton—58.

Representatives voting no were: Bell (Wilson), Bewley, Bragg, Burnett, Clark (Sumner), Copeland, Crain, Davis (Gibson), Frensley, Gaia, Gill, Henry (Roane), Hudson, Johnson, Jones, Kent, Kernell, Lashlee, Lowe, Miller, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Small, Spence, Tanner, Turner, Ussery, Wallace, Whitson and Mr. Speaker McWherter—36.

A motion to reconsider was tabled.

House Bill No. 724—To increase permit fees, hunting and fishing.

Mr. Hillis moved that House Bill No. 724 be passed on third and final consideration.

Mr. Davis (Pickett) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 724 by adding the following new section immediately before the last section and renumbering the subsequent section accordingly:

Section 2. Tennessee Code Annotated, Section 51-238, is amended by designating the existing language as subsection (a) and by adding the following subsection (b):

(b) Instead of the fees for permits required by subsection (a), and for the purposes of Tennessee Code Annotated, Section 51-203, a nonresident shall pay the following fee:

Fishing:

Ten (10) day Nonresident Fishing Permit	\$12.00
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WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

FURTHER AMEND by deleting the original Section 2 in its entirety and substituting instead the following:

Section—. Section 1 of this act shall take effect on March 1, 1982, and Section 2 of this act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Speaker pro tem Brewer relinquished the Chair to Mr. Martin, Speaker pro tem.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 724 by deleting the following language from the amendatory language of Section 1:

Waterfowl blind 35.00 per blind

On motion, the amendment was adopted.

Thereupon, House Bill No. 724, as amended, passed its third and final consideration by the following vote:

Ayes	55
Noes	37
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bivens, Brewer, Buck, Carter, Chiles, Clark (Davidson), Covington, Davis (Hamilton), DePriest, Dills, Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Hillis, Hurley, Huskey, Jared, Kelley, King (Washington), Love, Lowe, McAfee, McKinney, McNally, Martin, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Percy, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Webb, Wheeler, Withers, Wolfe, Work and Yelton—55.

Representatives voting no were: Bell (Wilson), Bewley, Bragg, Burnett, Byrd, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), DeBerry, Disspayne, Frensley, Gaia, Henry (Roane), Hudson, Johnson, Jones, Kent, Kernell, Lashlee, Miller, Naifeh, Owen, Phillips, Pruitt, Richardson, Robertson, Small, Spence, Tanner, Turner, Ussery, Wallace, Whitson, Wood and Mr. Speaker McWherter—37.

Representatives present and not voting were: Ellis, Moore and Wix—3.

A motion to reconsider was tabled.

Mr. Huskey asked to be recorded as changing his vote from “aye” to “no” on House Bills Nos. 724 and 725.

House Bill No. 496—To amend Title 4, Chapter 6, Code.

Ms. DeBerry moved that House Bill No. 496 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 496 by deleting the amendatory paragraph of Section 1 in its entirety and substituting instead the following:

Each teacher in such special school district shall receive annual compensation at least equal to one-tenth (1/10) times twelve (12) of the annual compensation set in the state salary schedule as formulated by the state board of education for teachers with similar training and experience plus any state mandated local supplement. This provision shall not act to reduce the compensation currently paid any teacher in the special school district.

AND FURTHER AMEND by deleting Section 3 in its entirety and substituting instead the following:

SECTION 3. This act shall take effect July 1, 1981, the public welfare requiring it; provided, however, for the purposes of implementing its provisions, any increase in compensation required under this act may be phased in over a three (3) year period from July 1, 1981 to June 30, 1984, with at least one-third (1/3) of such increase to be paid in each fiscal year.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 496 by adding a Section

That longevity shall not be paid twice

On motion, the amendment was adopted.

Thereupon, House Bill No. 496, as amended, passed its third and final consideration by the following vote:

Ayes	64
Noes	26
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Frensley, Gill, Hillis, Hudson, Jared, Johnson, Jones, Kelley, Kent, Kernell, Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Small, Spence, Stallings, Tanner, Turner, Wallace, Webb, Wheeler, Withers, Work, Yelton and Mr. Speaker McWherter—64.

Representatives voting no were: Bell (Knox), Bewley, Bragg, Copeland, Duer, Ford, Harrill, Henry (Blount), Henry (Roane), Hurley, Huskey, King (Washington), McAfee, Montgomery, Moore, Percy, Robertson, Robinson (Washington), Scruggs, Shockley, Smith, Sterling, USSery, Whitson, Wolfe and Wood—26.

Representatives present and not voting were: Pickering, Rhinehart, Starnes and Wix—4.

A motion to reconsider was tabled.

House Bill No. 609—To make certain provisions, executive committee, political parties.

Mr. Cobb moved that House Bill No. 609 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 609 by deleting in its entirety item (6) of the amendatory language of subsection (b) of Section 1, and substituting instead the following:

(6) the majority leader of the state senate and house of representatives;

AND FURTHER AMEND by adding the following language as a new item to be appropriately numbered immediately after item (6) of subsection (b) of Section 1, renumbering subsequent items accordingly:

() the minority leader of the state senate and house of representatives;

AND FURTHER AMEND by adding the following language as a new item to be appropriately numbered immediately after item (8) of subsection (b) of Section 1, renumbering subsequent items accordingly:

() the secretary of the party, if not already a member of such state executive committee by virtue of election or position as holder of an office already enumerated;

AND FURTHER AMEND by adding the following language at the end of subsection (b) of the amendatory language of Section 1:

Any party may opt out of the provisions of this subsection by a two-thirds (2/3) vote of the members to which the state executive committee of such party is entitled, as constituted prior to the effective date of this act. The chairperson of such committee shall file the results of such action with the secretary of state within ninety (90) days of the effective date of this act.

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 609 by deleting in its entirety item (10) of the amendatory language of subsection (b) of Section 1, and substituting instead the following items to be appropriately numbered:

() the speaker of the house of representatives and the speaker of the senate shall each choose three (3) persons to serve on such committee of the party in which such speaker is a member;

() the minority leader of the house of representatives and the minority leader of the senate shall each choose three (3) persons to serve on such committee of the party in which such minority leader is a member.

On motion, the amendment was adopted.

Thereupon, House Bill No. 609, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0
Present and not voting	2

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives present and not voting were: McKinney and Murphy (Davidson)—2.

A motion to reconsider was tabled.

HOUSE JOINT RESOLUTION ON SENATE AMENDMENT

House Joint Resolution No. 69—Relative to constructing exit ramp, I-640 and Clinton Highway.

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 69 by deleting the words “direct the department of transportation to construct” in the caption and first resolving clause and substituting instead the words “request the department of transportation to consider the need and feasibility of constructing”

Mr. Owen moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representative voting no was: Harrill—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 368—To require reportation by teachers, certain student actions.

SENATE AMENDMENT NO. 2

Amend House Bill No. 368 by deleting from the first sentence of Section 1 the words

“assault, vandalism, or any other similar action” and substituting instead the words “assault and battery or vandalism”.

AND FURTHER AMEND by deleting from the second sentence of Section 1 the words “assault, vandalism, or any other similar action” and substituting instead the words “assault and battery or vandalism”.

Senate Amendment No. 3

Amend House Bill No. 368 by adding to the first paragraph of Section 1 the following:

Provided, however, any fight not involving the use of a dangerous weapon as defined in Tennessee Code Annotated, Section 39-4901, or any fight not resulting in serious personal injury to the parties involved shall be reported only to the school administrator.

Mr. Wood moved that the House concur in Senate Amendments Nos. 2 and 3, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

Mr. Robertson moved that the rules be suspended for the purpose of introducing House Resolution No. 52 out of order, which motion prevailed.

House Resolution No. 52—Relative to honoring Terry Cashion—By Robertson, Bell (Knox), Severance and Percy.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Robertson, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Ford moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 216 out of order, which motion prevailed.

House Joint Resolution No. 216—Relative to honoring Parrottsville Parrotts—By Ford.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Ford, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Bivens moved that the rules be suspended for the purpose of introducing House Resolution No. 51 out of order, which motion prevailed.

House Resolution No. 51—Relative to honoring Miss Shannon Cochran—By Bivens and Webb.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Bivens, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Cobb moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 2 to House Bill No. 391, which motion prevailed.

Mr. Cobb moved that the Speaker appoint a Conference Committee to meet with a like committee from the Senate to resolve the differences between the House and Senate on House Bill No. 391, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Cobb, Murphy (Davidson) and Chiles as the Conference Committee on House Bill No. 391.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 509—To compensate certain employees, T.B.I.

SENATE AMENDMENT NO. 2

Amend House Bill No. 509 by adding the following language at the end of Section 1:

Provided, further, the state board of claims shall act within thirty (30) days of receipt of a disability rating based upon competent medical advice.

Mr. Naifeh moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 557—To make certain provisions, liens on boats.

SENATE AMENDMENT NO. 1

Amend House Bill No. 557 by deleting the words and punctuation “or for gasoline or electricity furnished to such boats,” from the amendatory language of Section 1.

AND FURTHER AMEND by deleting the words and punctuation “articles, gasoline or electricity is” and substituting instead the words and punctuation “or articles are” in the amendatory language of Section 1.

SENATE AMENDMENT NO. 3

Amend House Bill No. 557 by inserting the following language between the first and second sentences of the amendatory language of Section 1:

It is the legislative intent that the holder of a material and furnishings lien shall not be able to charge additional deckage and storage during that period when he is exercising his lien.

SENATE AMENDMENT NO. 4

Amend House Bill No. 557 by deleting the third and fourth sentences of the amendatory language in section 1.

Mr. Jared moved that the House non-concur in Senate Amendments Nos. 1, 3 and 4, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 593—To amend Section 2-6-115, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 593 by deleting the following language in its entirety:

“If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.”

SENATE AMENDMENT NO. 2

Amend House Bill No. 593 by adding the following language at the end of the amendatory language of Section 1:

Provided, however, that the names of all persons aged sixty-five (65) or older who voted absentee by personal appearance shall not be published by such commission. Provided, further, that the number of such persons who voted absentee by personal appearance shall be published in lieu of such names.

Mr. Frensley moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes	85
Noes	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—85.

Representatives voting no were: Covington, DeBerry, McKinney, Pruitt and Spence—5.

A motion to reconsider was tabled.

ELECTION OF MEMBERS TO FISCAL REVIEW COMMITTEE

In accordance with Chapter 7, Title 3, Tennessee Code Annotated, authorizing the election of the Fiscal Review Committee, such election was held and the following members from the two major political parties were elected.

Mr. McKinney nominated Mr. Work of the Democratic Party.

Mr. McKinney nominated Mr. Scruggs of the Republican Party.

The Clerk called the roll with the following results:

For Nominees 96

Representatives voting for nominees were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

Mr. Speaker pro tem Martin declared Messrs. Work and Scruggs were duly elected to the Fiscal Review Committee.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 601—To prohibit transport, certain materials.

SENATE AMENDMENT NO. 3

Amend House Bill No. 601 by adding at the end of the amendatory language of Section 1, a new paragraph as follows:

Provided, however, if such motor vehicle is a pick-up truck, the provisions of this act shall be construed to be complied with if the material on such pick-up truck is secured in such a way as to reasonably ensure that it will not fall or be blown off the vehicle. All other vehicles shall be required to have the refuse material covered or enclosed as provided in the preceding paragraph.

Mr. Baker moved that the House refuse to recede from its action in noncurring in Senate Amendment No. 3 to House Bill No. 601, which motion prevailed.

Ms. DeBerry moved that House Bill No. 640 be deferred until May 7, 1981, which motion prevailed.

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 689—To amend Title 2, Chapter 2, Code.

SENATE AMENDMENT NO. 2

Amend House Bill No. 689 by deleting from Section 3 the language “upon becoming a law” and substituting instead the language “on September 1, 1981.”

Mr. Robinson (Washington) moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 702—To provide for instruction, certain election officials.

SENATE AMENDMENT NO. 1

Amend House Bill No. 702 by striking the comma after the word “training” and before the word “and” in the amendatory language of Section 1

and by inserting a period therein and by striking the remaining language of Section 1 thereafter said period.

Mr. Ford moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 815—To enact Time-Share Act.

SENATE AMENDMENT NO. 1

Amend House Bill No. 815 by adding a new section immediately prior to the severability section and renumbering subsequent sections accordingly:

SECTION—. The provisions of this act shall not apply in counties with a population of not less than 20,700 nor more than 20,800, according to the 1970 federal census of population or any subsequent federal census.

SENATE AMENDMENT NO. 2

Amend House Bill No. 815 So As:

To add the following as the last sentence of paragraph G of Section 2:

“In the case of an offering of Time-Share Intervals located in more than one state or jurisdiction, such offering of Time-Share Intervals shall not be an offering if such offer states the name and principal office of the Developer of the Time-Share Program and further states that the Time-Share Program is in compliance with the law of the jurisdiction in which the principal office of the said Developer is located and such law is as stringent as this Act.”

Mr. Huskey moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 878—To amend Title 53, Chapter 36, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 878 by adding a new section as follows:

“Gross negligence shall also include rendering care, assistance or advice with respect

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

to matters in which the person rendering such care, assistance or advice does not possess the technical knowledge or skills concerning such matters.”

Mr. Yelton moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherte:—91.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 995—To regulate letting of highway contracts.

SENATE AMENDMENT NO. 3

Amend House Bill No. 995 by deleting the first sentence of the amendatory language of subsection (a) of Section 1 as amended and substituting instead the following:

It shall be unlawful for the following persons and business organizations to solicit employment on any contract let by the state or other by state entities or any contract funded wholly or in part by the state or by other state entities for a period of twenty-five (25) years from the date of such person's or organization's conviction except as provided in subsections (d) and (e) of this section.

FURTHER AMEND by inserting between the words “state of Tennessee” and the words “or arising out of” in the amendatory language of subdivisions (1), (2), (3), (4), (5), (6) and (7) of subsection (a) of Section 1 as amended the words “or by other state entities”.

FURTHER AMEND by inserting between the words “part by the state” and the words “or arising out of” in the amendatory language of subdivision (8) of subsection (a) of Section 1 as amended the words “or other state entities”.

FURTHER AMEND by deleting the amendatory language of subsection (b) of Section 1 as amended in its entirety and substituting instead the following:

(b) It shall be the responsibility of the state attorney general to timely notify those state departments, agencies and other entities involved in letting or funding state or other state entity contracts of those persons and business organizations ineligible to solicit employment on any contract let by the state or by other state entities or any contract funded wholly or in part by the state or by other state entities.

FURTHER AMEND by deleting the amendatory language of subsection (d) of Section 1 as

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

amended in its entirety and substituting instead the following:

(d) No person or business organization shall be prohibited by this act from soliciting employment on any contract let by the state or by other state entities or any contract funded wholly or in part by the state or by other state entities due to a conviction resulting from activities engaged in prior to the effective date of this act.

FURTHER AMEND by inserting between the words "part by the state" and "or in a criminal trial" in the first sentence of the amendatory language of subsection (e) of Section 1 as amended the words "or by other state entities".

FURTHER AMEND by inserting between the words "part by the state" and "provided such information" in the second sentence of the amendatory language of subsection (e) of Section 1 as amended the words "or by other state entities".

FURTHER AMEND by adding the following new subsection to the amendatory language of Section 1 as amended:

() As used in this section "other state entities" include counties, cities, municipalities, and any other political subdivision of the state of Tennessee.

Mr. Ussery moved that the House concur in Senate Amendment No. 3.

Mr. McKinney moved that the motion be tabled, which motion failed by the following vote:

Ayes	41
Noes	45

Representatives voting aye were: Akard, Bragg, Brewer, Burnett, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Daivs (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ellis, Gill, Hillis, King (Washington), Love, Lowe, McKinney, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Severance, Spence, Stallings, Starnes, Tanner, Withers, Wix, Work and Mr. Speaker McWherter—41.

Representatives voting no were: Baker, Bewley, Bivens, Buck, Chiles, Clark (Sumner), Duncan, Ford, Frensley, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, Lashlee, McAfee, McNally, Martin, Miller, Montgomery, Owen, Percy, Pickering, Richardson, Robertson, Robinson (Davidson), Scruggs, Shirley, Shockley, Small, Sterling, Turner, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood and Yelton—45.

Mr. Turner moved the previous question, which motion prevailed by the following vote:

Ayes	58
Noes	27
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Bragg, Byrd, Clark (Davidson), Clark (Sumner), Covington, Davis (Gibson), Davis (Hamilton), Daivs (Pickett), Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jones, Kelley, Kent, Kernell, Lashlee, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Percy, Pickering, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Shockley, Small, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood and Yelton—58.

Representatives voting no were: Bell (Knox), Bell (Wilson), Brewer, Buck, Chiles,

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

Crain, Davidson, DeBerry, Jared, Johnson, King (Washington), McKinney, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Scruggs, Severance, Spence, Tanner and Withers—27.

Representative present and not voting was: Burnett—1.

Thereupon, the motion to concur in Senate Amendment No. 3 prevailed by the following vote:

Ayes	74
Noes	15

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—74.

Representatives voting no were: Bragg, Brewer, Clark (Davidson), Covington, DeBerry, King (Washington), McKinney, Murphy (Davidson), Murphy (Shelby), Pruitt, Robinson (Washington), Severance, Spence, Withers and Wix—15.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1145—To amend Title 9, Chapter 8, Part 2, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1145 by striking the following words at the end of Section 1(B) (2):

“unknown cause;”

and by inserting therein the following language:

“act of God or natural disaster.”

and by striking the following words and punctuation at the end of Section 1(B)(3):

“; or”

and by inserting the following language:

“; provided that the employee by his own act of omission or commission did not cause the property to be left unattended in such a place or manner as could have been reasonably anticipated to result in the loss, damage or destruction of said personal property.”

and by striking the period at the end of Section 1(B)(4) and by inserting therein a comma, followed by the following language:

“provided that the employee by his own act of omission or commission did not cause the property to be left unattended in such a place or manner as could have been reasonably anticipated to result in the loss, damage or destruction of said personal property.”

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

SENATE AMENDMENT NO. 2

Amend House Bill No. 1145 by deleting from the twelfth line of subsection (b) of the next to the last section of the bill, as added by House Amendment No. 2, the words "and duty".

SENATE AMENDMENT NO. 3

Amend House Bill No. 1145 by striking the following language in its entirety and by substituting therein the following language:

by striking the following words at the end of Section 1(B) (2):

"unknown cause;"

and by inserting therein the following language:

"act of God or natural disaster;"

and by striking the following words and punctuation at the end of Section 1(B) (3):

";or"

and by inserting the following language:

"and the employee by his own act or failure to act caused the property to be left unattended in such a place or manner as could have been reasonably anticipated to result in the loss, damage or destruction of said personal property."

and by striking the period at the end of Section 1(B) (4) and by adding thereafter the following language:

"and the employee by his own act or failure to act caused the property to be left unattended in such a place or manner as could have been reasonably anticipated to result in the loss, damage or destruction of said personal property."

Mr. Scruggs moved that the House non-concur in Senate Amendments Nos. 1, 2 and 3, which motion prevailed.

Mr. Lashlee moved that the rules be suspended for the purpose of considering House Bill No. 663 out of order, which motion prevailed.

House Bill No. 663—To enact the "Certified Public Weigher Law of 1981."

Mr. Lashlee moved that House Bill No. 663, as amended by the Senate, be passed on second consideration, which motion prevailed.

The Speaker announced that House Bill No. 663 would lie on the clerk's desk under Unfinished Business.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamil-

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

ton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 215—Relative to honoring Cleveland High School band—By Bivens.

Under the rules, House Joint Resolution No. 215 was referred to the Committee on Calendar and Rules.

House Resolution No. 50—Relative to first annual Swine Ball—By Murphy (Davidson).

The Speaker referred House Resolution No. 50 to the Committee on Calendar and Rules.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 632—To regulate office hours, election commission, certain counties.

Passed second consideration and referred to Committee on State and Local Government.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1328—To reenact Charter, City of Rives.

Passed second consideration and held without reference.

House Bill No. 1329—To compensate certain officials, Town of Sharon.

Passed second consideration and held without reference.

House Bill No. 1330—To authorize Jonesboro to levy privilege tax.

Passed second consideration and held without reference.

STANDING COMMITTEE REPORTS

COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 300, 380, 614 (with amendment), 764, 806, 1006 and House Joint Resolution No. 116.

MURRAY, *Chairman.*

Under the rules, House Bills Nos. 300, 380, 614, 764, 806, 1006 and House Joint Resolution No. 116 were transmitted to the Committee on Calendar and Rules.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

that we have carefully considered and recommend for passage: House Bills Nos. 125 (with amendment), 128, 1007, 1153, 1157 (with amendment), 1315; Senate Bill No. 388 and House Joint Resolution No. 192.

BRAGG, *Chairman.*

Under the rules, House Bills Nos. 125, 128, 1007, 1153, 1157, 1315; Senate Bill No. 388 and House Joint Resolution No. 192 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, May 7, 1981: House Bills Nos. 861, 53, 1036, 1135, 1140, 1141, 634, 842, Senate Bill No. 95, House Bills Nos. 801, 672, 1151, 994, 1021, and Senate Joint Resolution No. 36.

GILL, *Chairman.*

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 496, 510, 609, 724 and 725; and House Joint Resolution No. 216; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Mr. Speaker McWherter resumed the Chair.

The Speaker directed that House Bills Nos. 55, 451 and 900 be placed on the Calendar for Monday, May 18, 1981.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

212—Relative to memory, Bill Crossnoe; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 475 and 1323; and House Joint Resolution No. 212; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 475 and 1323; House Joint Resolution No. 212.

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1073, 1086 and 1113; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

80—To make certain provisions, Goodwyn Institute Commission;

639—To amend Section 22-2-204, Code.

1219—To change boundary line, Montgomery and Robertson counties;

1305—To set salary, Mayor and Alderman, Tiptonville;

1306—To create juvenile court, Obion County;

1317—To repeal Chapter 834, Private Acts, 1933;

1318—To amend Charter, Clarksville; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

266—To make certain provisions, Coordinator of Elections;

834—To amend Section 53-2415, Code; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

953—To amend Section 2-13-204, Code;

963—To amend Section 8-23-204, Code;

1073—To establish Industrial Development Loan Program; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WEDNESDAY, MAY 6, 1981—45th LEGISLATIVE DAY

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, May 7, 1981:

House Bill No. 429—Murphy (Davidson)

House Bill No. 798—Rhinehart

House Bill No. 929—Murphy (Davidson)

House Bill No. 930—Murphy (Davidson)

House Bill No. 963—Burnett

House Bill No. 1011—Murphy (Davidson)

House Bill No. 1226—Tanner

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1328, 1329 and 1330.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

556—To amend Sections 39-1004 and 39-1005, Code;

1205—To permit prisoners to perform labor on roads; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

219—To make provisions, Housing Rehabilitation Corporation;

396—To amend "Limited Guardianship Proceedings for Disabled Persons Law"; both substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSOR ADDED

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 439—Davis (Hamilton)

On motion of Mr. Burnett, the House adjourned until 10:00 a.m. tomorrow.